## REMARKS

Claims 1-13 are pending in the application. Claims 1 and 4 have been amended to limit the definition of $R^{6a}$, and claims 8 and 9 have been amended to correct claim dependency. Claims 7, 12 and 13 have been canceled. Claim 14 has been added, and is supported by Example 24. Claim 10 has been allowed. The amendment and cancellation are without prejudice and applicants reserve the right to pursue any canceled subject matter in one or more continuing applications.

**Obviousness Type Double Patenting over US7,091,380**

Claims 1-9 and 11-13 stand rejected over claims 1-35 of the '380 patent. Claim 1 has been amended to focus on $R^{6a}$ being $-OSO_2R^8$. The amendment removes any overlap there might have been between the present claims and claims 1-35 of the '380 patent. Furthermore, there is no teaching or suggestion in the '380 patent claims to direct a person skilled in the art to select the particular substituent now remaining for $R^{6a}$. Accordingly, the obviousness type double patenting is now moot and its withdrawal is respectfully requested.

**Rejection under 35 USC 103(a) over US7,091,380**

Claims 1-9 and 11-13 stand rejected as allegedly being obvious over the '380 patent. Applicants respectfully traverse. The '380 patent can be prior art only under 35 USC 102(e); however, it is disqualified under 35 USC 103(c) **because the present application and the '380 patent were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to Merck & Co., Inc.** In addition, the amendment above obviates the obviousness rejection for the same reason discussed under the obviousness type double patenting rejection. Accordingingly, applicants respectfully request this ground of rejection be withdrawn.

**Obviousness Type Double Patenting over US6919343**

Claims 1-9 and 11-13 stand rejected over claims 1-40 of the '343 patent. Claim 1 has been amended to focus on $R^{6a}$ being $-OSO_2R^8$. The amendment removes any overlap there might have been between the present claims and claims 1-40 of the '343 patent. Furthermore, there is no teaching or suggestion in the '343 patent claims to direct a person skilled in the art to

select the particular substituent now remaining for $R^{6a}$. Accordingly, the obviousness type double patenting is now moot and its withdrawal is respectfully requested.

**Rejection under 35 USC 103(a) over US6919343**

Claims 1-9 and 11-13 stand rejected as allegedly being obvious over the '343 patent. Applicants respectfully traverse. The '343 patent can be prior art only under 35 USC 102(e); however, it is disqualified under 35 USC 103(c) **because the present application and the '343 patent were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to Merck & Co., Inc.** In addition, the amendment above obviates the obviousness rejection for the same reason discussed under the obviousness type double patenting rejection. Accordingingly, applicants respectfully request this ground of rejection be withdrawn.

**Rejection under 35 USC 112, Second Paragraph**

Claims 12 and 13 stand rejected as allegedly being indefinite. The cancellation of claims 12 and 13 obviates this ground of rejection, and its withdrawal is respectfully requested.

**Rejection under 35 USC 101**

Claims 12 and 13 stand rejected as allegedly being an improper process claim under section 101. The cancellation of claims 12 and 13 obviates this ground of rejection, and its withdrawal is respectfully requested.

**Rejection under 35 USC 112, First Paragraph**

Claims 11-13 stand rejected as allegedly not being supported by an enabling disclosure. Without acquiescing to the Examiner's contentions regarding non-enablement, claims 12 and 13 have been canceled because they are not of proper claim type under US patent practice. Applicants respectfully traverse the rejection of claim 11.

Claim 11 is directed to pharmaceutical compositions. Notwithstanding that methods for the preparation of pharmaceutical compositions are well known to a person skilled in the art, the specification provides ample guidance to make the claimed composition; for example, pages 11-14 provides descriptions on how to prepare various pharmaceutical compositions. The

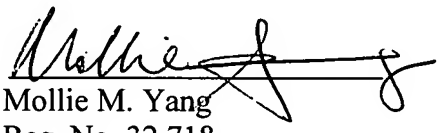
specification on pages 14-18 teaches how to use the pharmaceutical compositions for various bradykinin receptor mediated conditions, with examples of specific doses for each condition. It is respectfully submitted that the specification fully satisfies the statutory enablement requirement to support claim 11, and that the rejection under 35 USC 112, first paragraph should be withdrawn.

**Rejection under 35 USC 103(a) over US7163951**

Claims 1-3, 5, 6, and 11-13 stand rejected as allegedly being obvious over the '951 patent. Applicants respectfully traverse. The '951 patent can be prior art only under 35 USC 102(e); however, it is disqualified under 35 USC 103(c) **because the present application and the '9513 patent were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to Merck & Co., Inc.** In addition, the amendment above obviates the obviousness rejection for the same reason discussed hereinabove for the '380 and '343 patents. Accordingingly, applicants respectfully request this ground of rejection be withdrawn.

In view of the above amendment and remarks, applicants believe the application is now incondition for allowance. An early favorable action is respectfully requested.

Respectfully submitted,

By: 

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